UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,206	04/26/2000	Daniel Manhung Wong	OR00-01101	1513

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EXAMINER
TO, BAOQUOC N

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

1.   Claims 1-24 are pending in this application and 1, 9 and 17 are amended on

amendment filed 08/18/03.

Response to Arguments

2.   Applicant's arguments filed 08/18/03 have been fully considered but they are not

persuasive.

        The applicant argues, "Neither Maier nor Green, either separately or in

concert, suggests or implies selectively auditing user access to a relational database

based on the values of data being accessed."

        In response to applicant's arguments, the recitation "selectively auditing"

has not been given patentable weight because the recitation occurs in the preamble. A

preamble is generally not accorded any patentable weight where it merely recites the

purpose of a process or the intended use of a structure, and where the body of the

claim does not depend on the preamble for completeness but, instead, the process

steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190

USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481

(CCPA 1951).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 4-5, 7-9, 12-13, 15-17, 20-21 and 23-24 are rejected under 35 U.S.C.

103(a) as being unpatentable over Maier et al (US. Patent No. 5,625,815) in view of

Green et al. (US. Patent No. 6,041,310).

Regarding on claims 1, 9, and 17, Maier teaches method for selectively auditing

accesses to a relational database, comprising:

receiving a query for the relational database [col. 3, lines 65-67];

automatically modifying the query prior to processing the query, so that

processing the query causes an audit record to be created and recorded only rows in

relational tables that are accessed by the query and that satisfy an auditing condition,

wherein satisfying the auditing condition allows selective auditing of the query [col. 4,

lines 10-12];

processing the modified query to produce a query result [col. 6, lines 35-39],

wherein

processing the modified query includes, creating the audit record for rows in

relational tables that are accessed by the query and that satisfy the auditing condition

[col. 8, lines 28-29], and

recording the audit record in an audit record store [col. 4, line 12]; and

returning the query result [col. 6, lines 35-39].

Maier does not explicitly teach automatically modifying the query prior to

processing the query and creating the audit records for rows and satisfying the auditing

condition wherein the auditing condition specifies a condition based on a value of a field

in a row in the relational database. Maier teaches, "any new audit record in the audit

trail 204 associated with the first object 200 are accessed and corresponding to the redo

operation are performed against the second object 202" (col. 7, lines 8-11). This

teaches the new audit record is creating records for rows. In addition, Maier also

teaches, "an AuditTrail filter is establish such that only AuditTrail records that pertain to

the Old Partition are received for processing (by an Audit Fixup Process started by the

SQL catalog manager). The processing of each audit record that passes the filter is

called and "audit fixup" (col. 8, lines 35-40). This teaches the AuditTrial filter is the

auditing condition. In addition, Maier also teaches, "if the audit record is relevant to

operations performed on the first object 200, or relevant to the subset of records of the

first object that are the subject of the DDL command" (col. 6, lines 53-56). Furthermore,

Maier also teaches, "each of audit entry 184 denotes database table or index record

event such as the addition, deletion or alteration of a specified database table or index

record in the database table or index (col. 5, lines 55-60). This clearly indicates relevant

records are auditing conditions that allow the operation to access based on the index

values of the records in the table. On the other hand, the method of modifying the

query prior processing to redirect the query to perform the different request is known in

the art. For example, Green discloses, "first, if non of the readership inventory matches

the customer query exactly, terminal processor 10a automatically modifies the primary

query to create the second query so that at least one vehicle is displayed" (col. 10, lines

63-66). This teaches modifying the query. Therefore, it would have been obvious to

one ordinary skill in the art at the time of the invention was made to modify the teaching

of Green into Maier because automatically modifying query would allow the system to

adapt to any changes and efficiently retrieve or create the results according to the

changes.

Regarding on claims 4, 12 and 20, Maier teaches retrieving the auditing condition

for a given table from a data structure associated with the given table [col. 6, lines 8-19].

Regarding on claims 5, 13 and 21, Maier teaches the query modifies at least one

entry in the relational database, using a relational database system trigger to create and

record the audit record for the modification to the relational database [col. 4, lines 10-

12].

Regarding on claims 7, 15 and 23, Maier teaches the audit record includes:

a user name for a user making the query [col. 6, line 4];

a time stamp specifying a time of the query [col. 6, lines 4-10]; and

a text of the query [col. 6, lines 15-18].

Regarding on claims 8, 16 and 24, Maier teaches the auditing condition includes

a condition for a field within the relational database [col. 5, lines 2-3].

4.   Claims 2-3, 6, 10-11, 14, 18-19 and 22 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Maier et al (US. Patent No. 5,625,815) in view of Green et al.

(US. Patent No. 6,064,951) and further in view of Cochrane et al. (US. Patent No.

6,041,310).   .

Regarding on claims 2, 10, and 18, Maier and Park teaches the claimed subject

matter excepting the query includes a select statement, inserting a case statement into

the select statement that calls a function that causes the audit record to be created and

recorded if the auditing condition is satisfied. However, Cochrane teaches, SELECT 1

FROM VALUES (1)

        WHERE 1>CASE WHEN EXIST (SQL-stmt1 WHERE 1=0)

                    THEN

                         ....

                    WHEN EXIST (SQL-stmtn WHERE 1=0)

                         THEN 1

                         ELSE 1 END" [col. 8, lines 55-50];

This teaches that the case statement is inserted in the selected SQL statement to

call the function. Cochrane does not teach the function that causes audit record to be

created and recorded if the auditing condition is satisfied. However, this function can be

modified to accommodate the requirements by putting the required parameters to create

the auditing records. Therefore, it would have been obvious to one ordinary skill in the

art at the time of the invention was made to include teaching of Cochrane into Maier and

Park because inserting the case statement in to the SELECT statement in Cochrane to

allow the function to create auditing records.

Regarding on claims 3, 11, and 19, Cochrane teaches ensuring that the case

statement is evaluated near the end of the query processing so that the case statement

is evaluated only after other conditions of the query are satisfied, so that the audit

record is created only for rows that are actually accessed by the query (col. 8, lines 55-

60).

Regarding on claims 6, 14, and 22, Cochrane teaches,

inserting the case statement into the query (col. 8, lines 55-60);

allowing a query processor to allocate buffers for the query (col. 8, lines 55-60);

removing the case statement from the query (col. 8, lines 55-60);

allowing the query processor to generate a query plan for the query; and

scheduling the case statement near the end of the query plan to ensure that the case

statement is evaluated only after other conditions of the query are satisfied, so that the

audit record is created only for rows that are actually accessed by the query (col. 8,

lines 55-60).

Contact Information

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final

action is set to expire THREE MONTHS from the mailing date of this action. In the

event a first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date

the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the

statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-

1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached

on Monday-Friday: 8:00 AM – 4:30 PM, EST.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Y. Vu can be reached at (703) 305-4393.

        Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

        Any response to this action should be mailed to:

        Commissioner of Patents and Trademarks

        Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238   [After Final Communication)]]
- (703) 746-7239   [Official Communication]
- (703) 746-7240   [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II

2121 Crystal Drive

Arlington, VA 22202

Fourth Floor (Receptionist).

Baoquoc N. To

Oct 28, 2003

SHAHID ALAM
PRIMARY EXAMINER